

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

\*\*\* FILED \*\*\*  
04/22/2002

04/10/2002

CLERK OF THE COURT  
FORM D000C

PRO TEM ROBERT SIESCO  
FOR THE HONORABLE ANNA M. BACA

L. Glenn  
Deputy

FC 2002-002427

IN RE THE MATTER OF  
JERRY MICHAEL CLARK

FILED: \_\_\_\_\_

JERRY MICHAEL CLARK  
2053 N 52ND DR  
PHOENIX AZ 85035

AND

ADRIANNA F AVILA

ADRIANNA F AVILA  
2149 W SHERMAN AVE  
PHOENIX AZ 85009

MINUTE ENTRY

Prior to the commencement of the hearing, Petitioner's Exhibits 1 through 8 are marked for identification.

10:15 a.m. This is the time set for Evidentiary Hearing Re: Paternity. Petitioner is present on his own behalf. Respondent is present on her own behalf.

Court Reporter, Tara Kramer, is present.

Jerry Michael Clark and Adrianna F. Avila are sworn.

Matters are discussed.

THE COURT FINDS that the matter is not ripe for adjudication at this time, as paternity has not been established.

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Accordingly,

IT IS ORDERED as follows:

Mother, Adrianna F. Avila, her child, Jeremy Michael Avila, date of birth June 30, 1992, social security no.601-21-8802 and the alleged Father, Jerry Michael Clark shall submit to the drawing of blood samples and the taking of DNA samples or both for paternity testing at the following testing facility:

Blood Systems Laboratories  
2424 West Erie Drive  
Tempe, AZ 85282  
Phone: 602-675-7010 or 1-800-288-2199

Fluid samples shall be drawn and tests performed in a manner prescribed by the histocompatibility laboratory. The type and number of tests to determine inherited characteristics, including but not limited to blood and tissue type, shall be at the discretion of the testing facility/laboratory. Both parties shall cooperate fully with the identification and testing procedures as directed by the testing facility.

Respondent shall contact the testing facility today and Petitioner shall contact the facility within the next three days by telephone or otherwise and make arrangements with the testing facility for paternity testing for each of them and the aforementioned minor child to be tested.

The cost of testing shall initially be paid by the Petitioner as required by the testing facility, subject to reallocation in further proceedings.

The testing facility shall submit written tests results directly to the Court, along with certified copies of documents verifying testing procedures employed, degree of reliability,

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and chain of custody of testing samples. Copies of said documents shall be mailed to the parties or their counsel, if represented.

The written report and conclusion of the expert will be admitted at the trial in this cause without further foundation.

Each party shall have the right to call the expert as a witness. If only one party believes that the expert's live testimony is necessary in addition to the written report, that party shall be responsible for payment of 100% of the costs incurred in connection with the expert testifying at trial.

Because of the costs of testing privately, if either party wishes, they may apply for child support enforcement at an office of the Department of Economic Security and request genetic testing through that office. If either party desires to do this, they must do so within 30 days and notify the other party by mail that they have requested such assistance instead of testing through the private facility.

Luis Valenzuela is sworn and testifies.

IT IS ORDERED that Petitioner is to return the child to the Respondent today by 6:00 p.m. and will take the child to Respondent's house.

THE COURT FINDS that it is in the best interest of the child that he remains in the same school he is currently attending. Accordingly,

IT IS ORDERED that Respondent is not to transfer Jeremy Avila to another school and he is to remain in the school he is currently attending.

IT IS FURTHER ORDERED, on a temporary basis, that Petitioner shall have, based upon A.R.S. 25-415, visitation with child every Saturday from 8:00 a.m. to 6:00 p.m., beginning

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April 13, 2002 and continuing until the genetic testing process is completed. Petitioner shall have the responsibility of transporting the child from and to the Respondent's residence.

There being no further need to retain the exhibits not offered in evidence in the custody of the Clerk of the Court,

IT IS ORDERED that the Clerk permanently release all exhibits not offered in evidence to the counsel/party causing them to be marked, or to their written designee. Counsel/party shall have the right to refile relevant exhibits as needed in support of any appeal. Refiled exhibits must be accompanied by a Notice of Refiling Exhibits and presented to the Exhibits Room of the Clerk's Office. The Court's exhibit tag must remain intact on all refiled exhibits.

IT IS FURTHER ORDERED that counsel/party or written designee take immediate possession of all exhibits referenced above.

ISSUED: Exhibit Release Form.

11:20 a.m. Hearing concludes.

IT IS FURTHER ORDERED signing this minute entry as a formal Order of the Court pursuant to Rule 58, Arizona Rules of Civil Procedure.

/S/ PRO TEM ROBERT SIESCO BY THE HONORABLE ANNA M. BACA

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JUDICIAL OFFICER OF THE SUPERIOR COURT

FILED: Trial and Exhibit Worksheet